

# EXHIBIT 3

## Documents Considered

First Amended Complaint For (1) Trademark Infringement (Lanham Act, 15 U.S.C. § 1114); (2) Unfair Competition/False Designation of Origin (Lanham Act, 15 U.S.C. § 1125(a)); (3) Common Law Trademark Infringement, May 3, 2024.

Answer to Complaint and Counterclaim of Defendant City of Oakland, A Municipal Corporation, Acting By and Through Its Board of Port Commissioners (Port Of Oakland), May 9, 2024.

Expert Report of Sarah Butler, June 27, 2024

“Estimates of the Total Resident Population and Resident Population Age 18 Years and Older for the United States, Regions, States, District of Columbia, and Puerto Rico: July 1, 2023 (SCPRC-EST2023-18+POP),” United States Census Bureau.

Air Travelers in America: Key Findings of a Survey Conducted by Ipsos, 2023, A4A-Air-Travel-Survey-2023-Key-Findings.pdf

Barber, W G. & G. E. Yaquinto, “The Universe,” in Shari S. Diamond and Jere B. Swann (eds.), *Trademark and Deceptive Advertising Surveys: Law, Science, and Design, Second Edition* (Diamond and Swann 2022)

Simonson, Itamar and Ran Kivetz, “Demand Effects in Likelihood of Confusion Surveys: the Importance of Marketplace Conditions,” in Shari S. Diamond and Jere B. Swann (eds.), *Trademark and Deceptive Advertising Surveys: Law, Science, and Design, First Edition*, Chapter 11, pp. 243-259.

Allenby, Greg, Geraldine Fennell, Joel Huber, Thomas Eagle, Tim Gilbride, Dan Horsky, Jaehwan Kim, Peter Lenk, Rich Johnson, Eli Ofek, Bryan Orme, Thomas Otter, and Joan Walker, “Adjusting Choice Models to Better Predict Market Behavior,” *Marketing Letters*, vol. 16, no. 3-4, Sixth Invitational Choice Symposium, December 2005 (“Allenby et al. 2005”).

“Ex 6 Met OAK Presentation,” Port of Oakland PowerPoint file “41124 Presentation.pptx”

“Elevating the OAK brand and experience,” Nov. 22, 2022, OAK Phase 1 Findings Readout\_20221103.pptx

“BAY AREA ARC BOOKING LOCATIONS,” YE 2024, Bay Area ARC Heat Maps YE 3Q2024 v4 (percentages).pptx

“BAY AREA ARC BOOKING LOCATIONS,” for year ending March 2024, Bay Area ARC Heat Maps YE 3Q2024v3.pptx

“Top 20 bay area – international markets,” Port of Oakland, Intl\_markets.pptx